

House Bill 383 (AS PASSED HOUSE AND SENATE)

By: Representatives Lane of the 158th, Burns of the 157th, and Parrish of the 156th

A BILL TO BE ENTITLED
AN ACT

1 To create a board of elections and registration for Bulloch County and provide for its powers
2 and duties; to provide for the composition of the board and the selection, qualification, and
3 terms of its members; to provide for resignation, succession, and removal of members and
4 for filling vacancies; to provide for oaths and privileges; to relieve certain boards and officers
5 of certain powers and duties and provide for the transfer of certain items to the newly created
6 board; to abolish a certain board and officers; to provide for meetings and procedures; to
7 provide for the elections supervisor and the powers and duties of such elections supervisor;
8 to provide for board employees and their compensation; to provide for expenditures of public
9 funds for certain purposes; to provide for compensation of the members of the board of
10 elections and registration; to provide for offices and equipment; to provide for contracts with
11 certain municipalities; to provide for the meaning of certain terms; to provide for effective
12 dates; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

15 Pursuant to subsection (b) of Code Section 21-2-40 of the O.C.G.A., there is created a board
16 of elections and registration for Bulloch County which shall have jurisdiction over the
17 conduct of primaries and elections and the registration of electors in such county in
18 accordance with the provisions of this Act. Such board shall be known as the Bulloch
19 County Board of Elections and Registration.

20 **SECTION 2.**

- 21 (a) Such board shall be composed of three members, each of whom shall be an elector of
22 the county and who shall be appointed by the governing authority of the county.
- 23 (b) The initial members of the board shall be appointed for terms of office beginning
24 January 1, 2010. The governing authority of the county shall designate one of the initial
25 members to serve for a term of two years and two of the initial members to serve for terms

of four years and until their successors are appointed and qualified. Thereafter, all members of the board of elections and registration shall be appointed for terms of four years and until their successors are appointed and qualified.

(c) No person who holds or qualifies as a candidate for elective public office shall be eligible to serve as a member of the board during the term of such office, and the position of any member of the board shall be deemed vacant upon such member's qualifying as a candidate for elective public office.

SECTION 3.

(a) The appointment of each member shall be made by the governing authority of the county filing an affidavit with the clerk of the superior court no later than 30 days preceding the date at which such member is to take office stating the name and residential address of the person appointed and certifying that such member has been duly appointed as provided in this Act. The clerk of the superior court shall record each of such certifications on the minutes of the court and shall certify the name of each such member to the Secretary of State and shall provide for the issuance of appropriate commissions to the members within the same time and in the same manner as provided by law for registrars.

(b) If the governing authority of the county does not certify in conformity with this Act an appointment to the board within 30 days after the beginning of a term of office or within 30 days after the creation of a vacancy in that office, then the judge of the Probate Court of Bulloch County shall immediately fill that vacancy by making the appointment and shall certify it as provided in this section. Any person appointed to fill a vacancy shall serve out the unexpired term of office.

SECTION 4.

Each member of the board shall be eligible to succeed himself or herself without limitation and shall have the right to resign at any time by giving written notice of his or her resignation to the governing authority of the county and to the clerk of the Superior Court of Bulloch County. Each member shall be subject to removal from the board by the governing authority of the county at any time for cause after notice and hearing.

SECTION 5.

Except as provided in subsection (b) of Section 3 of this Act, in the event a vacancy occurs in the office of any member of the board by removal, death, resignation, or otherwise, the governing authority of the county shall appoint a successor for the remainder of the unexpired term. The clerk of the superior court shall be notified of interim appointments and

60 record and certify such appointments in the same manner as the regular appointment of
61 members.

62 **SECTION 6.**

63 Before entering upon his or her duties, each member of the board shall take substantially the
64 same oath as required by law for registrars. Each member of the board shall have the same
65 privileges from arrest as registrars.

66 **SECTION 7.**

67 On January 1, 2010, the elections superintendent of Bulloch County and the board of
68 registrars of Bulloch County shall be relieved from all powers and duties to which the board
69 of elections and registration succeeds by the provisions of this Act; and they shall deliver
70 thereafter to the chairperson of the board, upon his or her written request, custody of all
71 equipment, supplies, materials, books, papers, records, and facilities of every kind pertaining
72 to such powers and duties. At such time, the board of registrars in Bulloch County shall
73 stand abolished.

74 **SECTION 8.**

75 The board of elections and registration shall be authorized and empowered to organize itself,
76 elect its officers, determine its procedural rules and regulations, adopt bylaws, specify the
77 functions and duties of the elections supervisor, and otherwise take such action as is
78 appropriate to the management of the affairs committed to its supervision; provided,
79 however, that no such action shall conflict with state law. Action and decision by the board
80 shall be by a majority of the members of the board. Every two years the board shall elect one
81 of its members to serve as chairperson for a two-year term.

82 **SECTION 9.**

83 (a) The board may hold regular meetings at the county courthouse or such other location
84 as the board may prescribe. Any specially called meetings held pursuant to the bylaws
85 adopted by the board shall be held only after notification of the time and place of the
86 holding of such meeting has been communicated in writing to the elections supervisor who
87 shall provide public notice of the meeting as required by law. All meetings of whatever
88 kind of the board shall be conducted pursuant to Chapter 14 of Title 50 of the O.C.G.A.,
89 relating to open meetings.

90 **SECTION 10.**

91 There shall be a full-time elections supervisor to administer and supervise the conduct of
92 elections and primaries and the registration of electors of the county. The board shall act

93 within 60 days of its members taking office under this Act, or of the date of any vacancy in
94 such position, to submit and recommend for the position one to three names of qualified
95 individuals to the county manager, who shall hire an elections supervisor based on a job
96 description drawn by the board. The county manager may either hire one of the candidates
97 submitted and recommended by the board or the county manager may reject all the
98 candidates submitted and recommended by the board and hire another qualified candidate.
99 The elections supervisor shall be deemed a county department head and shall not be eligible
100 to serve as a member of the board. The elections supervisor shall be considered a county
101 employee for purposes of pay, benefits, sick leave, vacation, termination of employment, and
102 other purposes. As a county department head, the elections supervisor shall be subject to
103 direction, evaluation, and corrective action by the county manager.

104 **SECTION 11.**

105 The elections supervisor shall be authorized to employ such full-time and part-time
106 employees, including poll workers, as may be deemed necessary by the elections supervisor
107 and as are approved in the annual budget adopted by the governing authority of the county.
108 All such employees shall be considered county employees for purposes of pay, benefits, sick
109 leave, vacation, and other purposes.

110 **SECTION 12.**

111 With the consent of the governing authority of the county, the board of elections and
112 registration shall be authorized to expend public funds for the purpose of distributing sample
113 ballots, voter information booklets, and other material designed to inform and instruct
114 adequately the electors of the county with regard to elections. No material distributed by the
115 board shall contain or express, in any manner or form, any commentary or expression of
116 opinion or request for support for to any political issue or matter of political concern.

117 **SECTION 13.**

118 The compensation of the chairperson and other members of the board of elections and
119 registration, the elections supervisor, clerical assistants, and other employees shall be as fixed
120 by the governing authority of the county. Such compensation shall be paid from county
121 funds.

122 **SECTION 14.**

123 The governing authority of the county shall provide the board and the elections supervisor
124 with proper and suitable offices and equipment.

SECTION 15.

The board of elections and registration shall have the authority to contract with any municipality located within Bulloch County for the holding by the board of any primary or election to be conducted within the municipality; provided, however, that any such contract must be approved and ratified by the governing authority of the county.

SECTION 16.

The words "election," "elector," "political party," "primary," "public office," "special election," and "special primary" shall have the same meanings as ascribed to those words by Code Section 21-2-2 of the O.C.G.A., unless otherwise clearly apparent from the text of this Act.

SECTION 17.

This Act shall become effective on January 1, 2010, except that for purposes of making initial appointments to the board, it shall become effective on July 1, 2009.

SECTION 18.

All laws and parts of laws in conflict with this Act are repealed.